

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JANICE MARTINEZ,

Plaintiff,

vs.

No. 1:20-CV-01054-KWR-KRS

KILOLO KIJAKAZI, Acting Commissioner  
of Social Security,

Defendant.

**ORDER**

THIS MATTER is before the Court upon Plaintiff's Joint Motion for Order Approving Stipulation of Award of Attorney Fees Under the Equal Access to Justice Act (Doc. 26). Having considered the relevant filings, the Court finds that the motion is due to be **GRANTED**. It is therefore **ORDERED** that attorney fees are awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), payable to Plaintiff and delivered to Plaintiff's attorney in the amount of **\$7,200.00**. *See* 28 U.S.C. § 2412(d); *see also Astrue v. Ratliff*, 560 U.S. 586, 598 (2010) (EAJA fees are paid to the prevailing party, not the attorney). **IT IS FURTHER ORDERED THAT**, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff. *See Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



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**KEVIN R. SWEAZE**  
**UNITED STATES MAGISTRATE JUDGE**